

Developmental Disabilities Council
Meeting Minutes
Wednesday, March 13, 2019
DDDS Fox Run, 2540 Wrangle Hill Road, Bear DE
6:00 – 9:00 p.m.

Members Present: Rick Kosmalski (Chairperson), Maitri Campbell, Monica Edgar, Derrick George, Laura Greene, Terri Hancharick, Michael Harris, Nancy Lemus, Debra McCann, Daniese McMullin-Powell, Carrie Melchisky, Joseph Merritt, Jr., Beth Mineo, Angela Mitchell, Chris Oakes, Shawn Rohe, Laura Waterland

Members Absent: Teesie Bonk, Alvin Emory, Jr., Karen Gallagher, Isabel Rivera-Green, Katie Howe, HarrietAnn Litwin, Katie Macklin, Dale Matusevich, Steve Yeatman

Staff: Stefanie Lancaster, Kristin Harvey, Emmanuel Jenkins, Pat Maichle

Guests: Victorian Counihan (Deputy Attorney General), Bill Powell, Catherine Pringle, Diann Jones

I. Call to Order – With a quorum present, Rick Kosmalski called the meeting to order at 6:20 p.m.

II. Approval of January Council Minutes and January Executive Session minutes – There were two edits requested. Section V. Executive Session on page 2 – there needs to be a notation that states an affirmative vote was taken to go into Executive Session. Also, section VI. Chairperson report – the last sentence should reflect that food is unable to be paid for with Council funds. With these edits, a motion was made and approved by Council as amended. The January Executive Session minutes were distributed to all voting members present by Victoria Counihan for review and approval. The January Executive Session minutes were unanimously approved as submitted.

III. Approval of Agenda – The agenda was unanimously approved as submitted.

IV. Public Comment Period – Debra McCann had a question regarding a Walk/Run being hosted by The Arc of Delaware in May. She asked if the Council could donate \$25 for someone with an intellectual disability to be able to participate in the walk. Kristin Harvey stated that if this request would need to be tied directly to our Five Year State Plan and would need to be received in writing and approved by the Council. Michael Harris also stated that there is a Disability Dance hosted by the Arc of Delaware. He stated that the funding available for this event is minimal and thought that this would be a great opportunity for the Council to support the community. Kristin stated that the Council could possibly fund DJ services, however an unsolicited proposal would need to be received and a Council vote taken in order to accommodate this request.

V. Financial Advisory Committee update – FFY 2018 Funding obligations needing approval – The Financial Advisory Committee met two weeks ago to discuss remaining FFY 2018 Funding obligations left to approve. There is \$25,000 left un-obligated in the 2018 grant. It was discussed to add these funds to the LIFE Conference. With the growth of this conference, the need for accommodations and additional ways to improve the number of individuals with disabilities who are supported to attend the Conference has been discussed. The

request was unanimously approved to add the remaining \$25,000 of FFY 2018 funds to the 2020 LIFE Conference for a total of \$50,000.

Of the FFY 2019 grant, there is still \$150,000 left to obligate. There was a discussion regarding a project recognizing Disability Pride Day in Delaware in each county. Rick stated this project should be discussed in more depth with the full Council therefore it will be discussed at the May Council meeting. A draft scope of services was provided to the members present in their packets.

It was requested that Stefanie reformat the document to be more user friendly by having only one Federal Fiscal year to a page.

VI. Current Business

1. Travel Policy Discussion – review of recent draft with proposed changes and approval needed of travel request form as well as recommended change to amount obligated to travel – A copy of the proposed revisions to the DDC Travel Policy were provided to all members which incorporates recommendations/feedback from Victoria Counihan as well as Sheryl Matney from ITACC. With some edits recommended, the revised Travel Policy was approved by Council with the following abstaining from the vote: Angela Mitchell and Daniese McMullin-Powell. Moving forward, all requests for travel will be submitted to the Executive Director and/or the Administrative Officer (currently Stefanie Lancaster) for review and approval. All requests for travel will be reviewed by the Executive Director, Administrative Officer, and/or the Chair OR Vice-Chair. In the absence of an Executive Director at this time, all requests will be reviewed by the Administrative Officer, Chair and/or the Vice Chair.

Rick also discussed the concern from our federal granting agency regarding the amount of funding related to conferences the Council attends. The thought is to move in a direction of bringing more conferences here to Delaware. Rick recommends trying to bring a speaker here to Delaware to be able to benefit more individuals in Delaware. This can be explored further as requests for travel come in.

Beth Mineo stated she would like for the Council to be more strategic in the travel being approved – reviewing the Council’s Five Year State Plan and building on the areas we have already committed to improving.

2. Recommendations for possible committee restructuring – three options provided per Executive Committee’s request – approval needed - Due to time constraints, Rick requested that this item will be added to the May Council meeting agenda.

3. Recommendation for project idea – SA6 – Disability History objective- approval needed – Due to time constraints, Rick requested that this item be added to the May Council meeting agenda.

VII. New Business

1. Discussion of Auditors report by Pat Maichle – Pat Maichle was invited by the Chairperson following a majority vote to do so by the Executive Committee to discuss the allegations and findings in the Developmental Disabilities Council Special Investigation/Audit report released on June 29, 2018.

Pat stated that this is only her second time speaking regarding these allegations as she was not contacted while the investigation was being conducted. Pat stated that the first time she was questioned about this report was in January by Secretary Coupe's staff at the Department of Safety and Homeland Security.

Pat reviewed each of the allegations and provided feedback as to her position on each item. After this discussion, Council raised the following questions:

- a. **Is the Auditor of Accounts who completed this report is a state entity.** RESPONSE: Victoria stated that this entity is the one who completed and is a state entity.
- b. **A question was asked if the Council is audited annually.** Pat stated that the state does an audit of our Council each year. The federal granting agency (AIDD) completed a federal MTAR audit several years ago and asked to see the annual audits completed by the state. Pat said she had to get a printout of the audits from the Auditor's office.
- c. **Is there language for the contracts regarding receipt retention was approved outside the DD Council by some other entity?** Pat indicated that it has gone through the Council, the DSAs, the Office of Management and Budget and the Controller General's office and the process all of these years had been approved by those entities.
- d. **Was the paperwork Pat completed for the 501(c)(3) organizations was completed on her own time or while at work?** Pat explained some was done on her own time and some was done in the office.
- e. **What documents the signature stamp was used for?** Pat stated it was used for Contracts and leave slips, primarily.
- f. **Reference to the item relating to fleet vehicles should be utilized for all Council members who are non-state employees. It was stated that only state employees are able to use Fleet vehicles – non state employees are not able to ride in state vehicles.** Pat agreed that non-state employees are not able or permitted to ride in Fleet vehicles.
- g. **Are the Council's funds state or federal funds?** Pat indicated the only time DDC uses state funds is for Partners in Policymaking for \$20,000, which is match money not core money. She stated that DDC is not listed in the State's Appropriation Act or in the Supplementary Appropriations Act. DDC is part of the State's budget bill. DDC staff is not paid with state money. Victoria stated the Council can question the DSA as to their position on this.
- h. **If the Council compiles a response, should the previous audits be referenced in that response?** Pat noted that the copies of the MTAR audit should be in the closets at the office which include information on everyone who was talked to, documents referenced, and institutional documents that were sent to the feds prior to them coming to interview the individuals. Pat noted that they looked at everything and the DDC was fine.

Following Pat's departure, there were some additional discussions regarding the following:

Some Council members discussed compiling a response to some of the allegations to provide a written response if questioned by anyone regarding this report. This would allow for the Council to reference this response if ever questioned about the audit however the motion to do so was withdrawn.

However, certain members of the Council feel they don't have all the information regarding the audit and what is being reviewed to determine the outcome of this investigation. Victoria reminded the Council that there has been a complete investigation done by multiple parties and that all information is being considered by the Secretary of DSHS, of which AIDD and ITACC have affirmed that they are authorized to make those decisions. Victoria noted that the Council previously requested information from the Auditor's office, and was told by the Auditor's DAG that the information is protected under auditing standards and guidelines and will not be shared with the Council.

The question was raised again to ask the staff if the Council's funds were Federal or State. Victoria responded that all federal money received by the state becomes state money when it hits the state's clearinghouse which is the process of receiving outside grants into the state's fiscal system. Stefanie added that money paid to the contractors is truly state funds because the state processes the checks to the vendors using state money. Then, on a quarterly basis, the state conducts what is called a "drawdown" which is a request to the federal granting agency for reimbursement of the money expended.

A question was raised about what happens if the Council disagrees with the Secretary's position. Rick stated that because Pat is a state merit employee she is under the Secretary of DSHS direct supervision therefore this takes the matter out of the Council's hands to make a decision.

VIII. Other Council Business / Recommendations for Future Guest Speakers – Laura Waterland discussed the issue relating to the Developmental Disabilities Services (DDDS) eligibility for the Home and Community-Based Services (HCBS) waiver and the ability to receive services from DDDS recipients to be able to receive Medicaid. Neighboring states have a long waiting list and our state does not intend to have this issue. This will directly impact families who receive state services or on the Medicaid waiver. Laura noted that the public comment period for proposed revisions to the waiver has already ended.

IX. Adjournment – Due to quorum being lost at 8:55 p.m., the meeting was adjourned.